

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

UNITED STATES OF AMERICA)
v.) Criminal No. 3:20-cr-2-HEH
LARRY BARNES, JR.,)
Defendant.)

ORDER
(Appointing Counsel and Setting Briefing Schedule)

THIS MATTER is before the Court on Defendant Larry Barnes, Jr.’s (“Defendant”) *pro se* Motion to Reduce Sentence (the “Motion,” ECF No. 51), filed on March 4, 2024. In the Motion, Defendant states that he may be eligible for a sentence reduction pursuant to Amendment 821 of the United States Sentencing Guidelines, effective February 1, 2024. (Mot. at 1.) It is hereby ORDERED that:

1. The Clerk is directed to appoint an attorney from the CJA panel to represent Defendant for the limited purpose of reviewing Defendant's eligibility for a sentence reduction pursuant to Amendment 821 of the United States Sentencing Guidelines, effective February 1, 2024.
 2. If, after review of the Probation Office's 821 Amendment Worksheet (ECF No. 53), defense counsel determines that Defendant is eligible for relief, defense counsel shall file a Motion for Sentence Reduction no later than thirty (30) days from the entry of this Order. If this Motion is unopposed, then defense counsel shall so state in its Motion.

3. If, after a conscientious review of Defendant's case, defense counsel finds the request for relief frivolous, defense counsel shall file a motion to withdraw pursuant to *Anders v. California*, 386 U.S. 738, 744 (1967), accompanied by "a brief referring to anything in the record that might arguably support" Defendant's claim for relief.

4. The United States is directed to file a Statement in Response within thirty (30) days of the filing of Defendant's Motion, which shall include the following information:

- a. Defendant's current projected date of release;
- b. Status of Defendant's educational and vocational training, if any;
- c. Defendant's post-sentencing conduct, including Defendant's compliance with the rules of the institution(s) in which Defendant has been incarcerated; and
- d. Any relevant considerations of public safety.

If the United States opposes the Motion, it must state the grounds on which it opposes either because Defendant is not eligible for relief or, for example, because Defendant poses a risk of harm to the public, or any other reason.

5. If Defendant disagrees with the Government's response, Defendant may reply to the Government's response within seven (7) days of the date it is filed.

The Clerk is directed to send a copy of this Order to all counsel of record and personally to Defendant.

It is so ORDERED.



Henry E. Hudson
Senior United States District Judge

Date: June 26, 2024
Richmond, Virginia